

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 28825 of 2007(F)

PETITIONER:

**1. V.P.BALAKRISHANAN, VALLIKKUNNUPARAMBU,
P.O. PANTHIRAMKAVU, KOZHIKODE.**

**2. T.PRASAD,THEKKUMBATTU HOUSE,
PERUMANNA P.O. KOZHIKODE.**

**BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH**

RESPONDENTS:

**1. THE PERUMANNA SERVICE
CO-OP-1955, PERUMANNA, KOZHIKODE,
REP.BY THE SECRETARY.**

**2. THE JOINT REGISTRAR OF
CO-OP-SOCIEITIES,KOZHIKODE.**

**3. PRASEETH KUMAR,MADURAPARAMBATH,
VELLIPARAMBU,KOZHIKODE.**

BY GOVT.PLEADER SMT.ANU SIVARAMAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11/10/2007 ALONG WITH W.P.C.NO.29980/07, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX IN W.P.C.NO.28825/07

PETITIONER'S EXHIBITS

**EXT.P1 TRUE COPY OF THE ADVERTISEMENT PUBLISHED IN MALAYALA
MANORAMA DTD. 30-04-2007.**

**EXT.P2 TRUE COPY OF THE COMPLAINT FILED BEFORE THE SECOND
RESPONDENT DTD. 17-09-07.**

**EXT.P3 TRUE COPY OF THE RECEIPT ISSUED BY THE OFFICE OF THE
SECOND RESPONDENT DTD. 17-09-07.**

/True Copy/

PA to Judge.

K. M. JOSEPH, J.

W.P.C. NOS. 28825/07 F & 29980/07 R

Dated this the 11th October, 2007

JUDGMENT

Petitioners in W.P.(C). No. 28825/07 are alleged to be applicants for the post of Watchman, Peon and Attender in the first respondent Bank, which is the petitioner in W.P.(C) No.29980/07 (hereinafter referred to as the Bank). According to petitioners, written test was held on 16.9.2007. It is a mockery, as the Board of Directors of the Bank really wanted to appoint their close lieutenants through back door in the guise of an open competition. The third respondent is one of the Directors of the Bank, who participated in the written test, while holding the post of Director and secured high rank and influenced the process of selection to secure appointment. The examination is vitiated for the sole reason of the participation of the third respondent as Director. This is the case of the petitioners. They have filed Ext.P2 complaint before the second respondent Joint Registrar.

Petitioners have approached this Court seeking a direction to urgently proceed with Ext.P2 and to command the first respondent Bank not to proceed further in the matter of appointment to the post of Watchman, Peon and Attender. The Bank has approached this Court seeking to challenge Ext.P1 in W.P.(C). No. 29980/07. Ext.P1 is issued apparently on the basis of Ext.P2 complaint in the Writ Petition filed by the candidates. I feel that it is necessary that a decision should be taken on the complaint in Ext.P2 filed by the petitioners which appears to be the basis of Ext.P1. In the nature of the order that I propose to pass, even though I note that service is not complete to the third respondent, it may not be necessary to hear him. W.P.(C). No.28825/07 is disposed of by directing the second respondent Joint Registrar to take a final decision on Ext.P2 in accordance with law, after affording an opportunity of hearing to the petitioners, the Bank and the third respondent in W. P. (C).

No.28825/07 besides any other complainant. It is open to the parties to raise all the contentions available to them in law and on facts. A final decision will be taken within a period of five weeks from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.